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09/919,989	07/30/2001	Kentaro Konishi	Q65606	6406

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SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER

SEALEY, LANCE W

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 01/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/919,989

**Applicant(s)**

KONISHI ET AL.

**Examiner**

Lance W. Sealey

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 12-14 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Allowed and Allowable Subject Matter***

1. Claims 12-14 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is a statement of reasons for the indication of allowable subject matter: No prior art anticipates or suggests claims 14 and 27, which disclose, in a time-series data processing device, an interface means according to claims 6/20, in which said interface means is capable of enabling a display means according to claims 1/15 to display simultaneously:
  - an animation based on data according to claims 6/20, converted into said predetermined form according to claims 6/20, in accordance with the play list of claims 7/21, and
  - an image of a sports game based on the image data of claims 6/20 corresponding to said animation.
3. Nor does any prior art anticipate or suggest claims 12 and 25, the interface means according to claims 6/20 including the function of displaying a list of all plays of an opponent's team in a sports game in accordance with the play list of claims 7/21, and of retrieving a desirable play seen at said sports game by designating an optional item of the play list of claims 7/21. Claims 13 and 26 are allowable because claims 12 and 25 are allowable, respectively.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 15-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable by Tunli (U.S. Pat. No. 6,545,689) in view of Tamir et al. ("Tamir", U.S. Pat. No. 5,923,365).

6. Tunli, in disclosing a method and system for reviewing, editing and analyzing video, also discloses, with respect to claim 1, a time-series data processing device, comprising:

- data processing means (processor 16, FIG.1); and
- display means for displaying at least one of said data list generated by said data processing means and said image animated by said animating means (display 18, FIG.1).

7. Tamir, in disclosing a sports event video manipulating system for highlighting movement, also discloses:

- image-pick up means for image-picking up a specific object (video field grabber is image-pick up means, and the specific object is picked up by the object tracker, which is part of the video field grabber--Abstract);
- for generating a data list (col.13, ll.41-63 detail contents of data list, which are denoted by a., b., c. and d., and the data list is also characterized as a set of "display options" at col.13, ll.41-42)

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- indicating, in time series (“at each selected point in time”, col.13, l.46)
- a temporal transition (“temporal evolution”, col.13, ll.46-47)
- with respect to a time (“at each selected point in time”, col.13, l.46); and

8. Also with respect to claim 1, neither Tunli nor Tamir explicitly disclose a position and a state of said object image-picked up by said image-picking means, and an animating means for animating said transition of said position of said state of said object. However, it would be obvious to one of ordinary skill in the art at the time this invention was made for a spectator to determine a position and state of said objects (which are the players in the Tamir invention) because spectators of the sports event are “oriented in the field” (col.13, l.54) and “focused on the active players” (the active players serve as objects--col.13, ll.57-58). Furthermore, the positions and states of the objects are animated (the Merriam Webster’s Collegiate Dictionary (“Webster’s”) defines “animation” as “making or designing in such a way as to create apparently spontaneous lifelike movement”) through an animating means (image analyzer 50, FIG.1, and col.7, ll.16-21). Therefore, the elements of position and state of said object image-picked up by said image-picking means and animating means are impliedly disclosed by Tamir.

9. It would have been obvious to one of ordinary skill in the art to have modified the Tunli video analysis system in view of the Tamir system for analyzing video by adding the options in col.13, ll.41-63 of Tamir to the Tunli panels. Such a modification to Tunli would provide closer

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monitoring and analysis of the game's elements by allowing the user to "write" on the screen or add a vocal description of the scene using a microphone (Tamir, col.7, ll.54-58).

10. Claims 15-22 and 24 are rejected like claims 1-8 because claims 15-22 and 24 are like claims 1-8 except that claims 1-8 disclose a data processing device and claims 15-22 and 24 disclose a method. It is at least inherent that a data processing device, in order to work, would have to also disclose a method.

11. The other claims in this rejection will now be considered. Concerning claims 2, 7, 16 and 21, Tamir discloses a data processing means

- configured to display synchronously on said display means each corresponding image by linking an image of said object, which is image-picked up by said image-pick up means, if necessary, in accordance with said data list generated (at least a., b. and c. of data list refers to images of object players and ball, which are displayed synchronously (Webster's: "at the same time"); see col.13, ll.44-63),
- when said display means displays said image of said object animated by animating means (col.13, ll.61-63; the image of the object is the Tamir "still image" (l.61)).

12. Regarding claims 3 and 17, Tamir discloses a data processing means configured to perform at least one kind of data analysis by linking an image animated by said animating means in accordance with said data list generated (col.13, ll.61-63).

13. With respect to claims 4, 5, 18 and 19, Tamir discloses said specific object including a tool (Webster's defines "tool" as "a means to an end"; therefore a ball qualifies as a tool used to score enough points to win a game; see col.10, ll.28-30) that is used for players in a sports game (soccer; col.13, ll.64-67) and for a determination of a winner or a loser of said sports game (the

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amount of times a team scores by propelling a ball into a net determines the winner or loser of a sports game; see col.10, ll.28-30).

14. Concerning claims 6 and 20, Tamir discloses:

- data processing means for generating an image data by image-picking up a sports game, for processing said image data generated in accordance with a predetermined format and for storing said data processed in said predetermined format  
(Abstract; predetermined format is digitized video, and data is stored in digital memory storing device **40**, FIG.1);
- interface means (light pen **60**, FIG.1) connected to said data processing means (host computer **30**, FIG.1),
- and having an instruction entering means capable of entering a plurality of instructions for inputting said data processed in said predetermined format that is stored in said data processing means  
(Video cassette (VC) or video disc (VD) input is remotely controlled by the computer screen, which represents the “data processing means”; see col.7, ll.32-33. The existence of the “instruction entering means” is implied by the ability to enter such instructions as “fast forward”; see col.7, ll.33-37. The clause *inputting said data processed in said predetermined format* can be interpreted in at least two ways; if the applicants mean that data is input in a predetermined format, then it is inherent that a video cassette or disc input would have to be in a predetermined format. If the applicants mean that data is input and later processed in a predetermined format, then Tamir discloses converting input data into a predetermined format by digitizing a grabbed video field (Abstract));
- and for converting said data inputted into a predetermined form  
(Abstract; video image A/D converter converts grabbed video field to a digitized element),
- and for outputting said data converted, in accordance with said instruction entered by said instruction entering means;  
(The instructions in col.7, ll.33-37 apply to video input. Video is a medium which implies the use of the sense of sight. It is therefore implied that some output medium exists that the user would need to use to see the results of such instructions as *fast search backwards*.)

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- and image displaying means connected to said interface means for inputting said data outputted from said interface means (light pen 60, FIG.1) and for displaying said data inputted on a screen (video display monitor, Abstract).

15. With respect to claims 8, 22 and 24, Tunli discloses:

- a common instruction entering level for performing a plurality of different kinds of analyses  
(col.9, ll.5-24; pages 3-4 of the applicants' specification defines "common instruction entering level" as a vehicle used for entering "at least one or more related item(s) with respect to a sports game subject to an analysis." Tunli allows the user to enter variables pertaining to a player of a sports game (col.9, ll.16-18)); and
- a main instruction entering level to be utilized commonly for said plurality of different kinds of analyses  
(1108, FIG.8 (game analysis button), FIG.25 (game analysis flowchart) and col.9, l.63-col.10, l.30; page 4 of the applicants' specification defines "main instruction entering level" as "selection of an analysis of data or analysis of formation regarding to a sports game...as one of the plurality of different kinds of analyses". Tunli allows the user to choose from at least match analysis and player analysis (col.2, ll.3-4)).

16. Concerning claim 9, Tamir discloses a common instruction entering level configured to enter at least one or more related item(s) with respect to a sports game subject to an analysis (col.7, ll.28-53).

17. Regarding claim 10, Tamir discloses a main instruction entering level is configured to select an analysis of data or an analysis of formation regarding to a sports game subject to an analysis, as one of said plurality of different kinds of analyses (col.7, ll.28-53).

18. Therefore, in view of the foregoing, claims 1-10, 15-22 and 24 are rejected as being unpatentable under 35 U.S.C. 103(a).

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19. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Tunli in view of Tamir and further in view of Birch et al ("Birch", U.S. Pat. No. 6,292,706).

20. With respect to both claims, Tunli further discloses entering of a player (FIG.6), a team (FIG.5) and a date of a game (FIG.8).

21. However, neither Tunli nor Tamir disclose entering of weather conditions, a game stadium, a starting time of a game and the number of spectators at a game. These elements are disclosed by the Birch simulated baseball game. Entering of weather conditions is disclosed in col.3, l.16; entering of a game stadium is disclosed in col.3, l.57; entering of the game's starting time is disclosed in col.3, l.63; and entering of the number of spectators at a game is disclosed in col.3, l.67.

22. Therefore, it would have been obvious to one of ordinary skill in the art to have modified the Tunli-Tamir video analysis system in view of the Birch game by adding the options in col.3, ll.54-67 of Birch to the Tunli panels. Such a modification to Tunli would provide a more improved ability to predict the outcome of a future game based on what happened in the past (Birch, col.2, ll.33-35).

23. Accordingly, in view of the foregoing, claims 1-10, 15-22 and 24 are rejected as being unpatentable under 35 U.S.C. 103(a).

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the Office should be directed to the examiner, Lance Sealey, whose telephone number is (703) 305-0026. He can be reached from 7:00 am-3:30 pm Monday-Friday EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

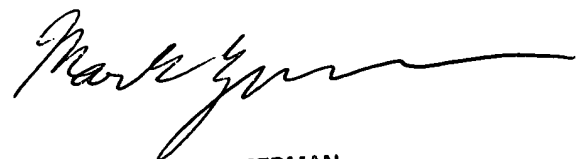
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600